

To: Honorable Governor Terry E. Branstad  
From: The Environmental Protection Commission  
Date: January 21, 2015  
Subject: 2014 Annual Report and Recommendations

The Iowa Environmental Protection Commission respectfully submits its Annual Report and Recommendations to the Governor and General Assembly of Iowa pursuant to Iowa Code Section 455B.105(5). The report highlights what we consider the major activities and accomplishments of the Commission in 2014. As part of this report, the Commission submits our recommendations for policy consideration for 2015. These recommendations reflect the issues that the Commission has worked on in 2014, comments from Iowa citizens that have been shared with the Commission and issues that we believe may warrant attention in the coming months.

We thank you for your consideration of this report and its recommendations.

Sincerely,



Nancy Couser, Secretary, Nevada  
Environmental Protection Commission

Mary Boote, Chair, Des Moines  
Cindy Greiman, Garner  
LaQuanda Hoskins, Bettendorf  
Chad Ingels, Randalia  
Brent Rastetter, Ames  
Bob Sinclair, Sigourney  
Max Smith, Vice-Chair, Knoxville  
Gene VerSteeg, Inwood

# **Iowa Environmental Protection Commission 2014 Annual Report and Recommendations**

Pursuant to Code of Iowa Section 455B 105(5) the Iowa Environmental Protection Commissions submits the following report to Governor Branstad and the Iowa General Assembly. As specified in the statute, this report discusses the accomplishments and status of the programs administered by the Environmental Services Division of the Department of Natural Resources. The report also makes legislative recommendations for consideration by the Governor and General Assembly based on Commission observations regarding the state of the environment in the past year. The report also takes into account comments and concerns the Commission hears from Iowa citizens.

## **Ongoing Environmental Accomplishments**

In 2014 the Commission continued to support the work of improving our state's water quality, a frequent topic of public comment. We approved contracts for numerous water quality monitoring projects, stream bank erosion, and watershed protection programs. There is evidence of progress being made, which supports need for continued funding.

The Derelict building grant program has benefitted dozens of small communities with ongoing efforts to address abandoned buildings. Solid Waste Alternative programs support an array of unique and ever-expanding efforts to divert material from landfills to be reused. Iowa should be proud of this progress.

In Air Quality the Title V fee was kept at \$56/ton in spite of a 1.8 million budget shortfall for fiscal 2015 by receiving a 1.4 million allocation from HF 2473 Hazardous Household Waste fund along with using unspent funds from 2014. A legislative stakeholder group was established to study the current Air Quality program as the Clean Air Act mandates that fees cover the programs.

## **Environmental Accomplishment through the Writing and Enactment of Rules of Substance**

Chapter 93 - A Non-Point Source pollution control set-aside program was expanded to allow homeowner's inside city limits and without public sewer connection to access low interest loan programs.

Chapter 64 - Improvements to wastewater and construction operation permits to allow for easier transfer and duplicate public notice.

Chapter 61 - Water Quality Standards Certificate of Regional Permit #7 amendments to text

Chapter 22 and 23 - Best Management Practices for Grain Elevators and Adoption of Federal Air Toxic Standards. This attempts to minimize dust when vacuuming grain and giving Iowa DNR primary implementation authority for regulations concerning National Emission Standards for Hazardous Air Pollutants (NESHAP).

Chapter 64 and 65 - Amendments requiring CAFO's to comply with NPDES requirements. After more than a year in hearings and deliberations and after reading countless comments and listening to over an hour of public comment at the meeting, the commission unanimously approved this very controversial rule. It complies with the work plan agreed upon by EPA and the DNR in September of 2013 and adds another layer of protection to water quality with livestock regulations.

The \$700,000 in appropriations from the legislature for seven new field inspectors for animal feeding operations assists the Department with meeting the obligations of the workplan. New internet access training for Certified Manure Applicators is another example of continued improvement and progress.

### **Stakeholder Groups**

Stakeholder group input was at the forefront of several meetings this year as 3 important and controversial areas seemed to need further regulatory refinement.

The three include the following:

The recommendation of the group on topsoil preservation requirements in storm water construction permit #2 was not unanimous by either the stakeholder group or the commission on whether to move forward with new rulemaking. This is a controversial and difficult topic, further discussion and input will be needed as the item proceeds to the rule-making process.

We also heard 2 presentations from a stakeholder group on the Jordan Aquifer and how best to protect Iowa's largest underground water source. We will take this up again in 2015 as more refinement was needed to move to rulemaking.

The Air Quality Title V fee group recommendations have been submitted to the legislature as of December 1, 2014.

### **Environmental Accomplishment through Enforcement and Judicial Action**

The Commission had Appeals of Administrative orders, AG referrals, and contested cases on everything from horse burial at pet cemeteries to solid waste violations. The various county supervisors continue to request Demand for Hearings over the Master Matrix evaluations concerning livestock building permits.

The department as a whole had assessed fines totaling \$421,350 and 4 referrals to the AG office.

### **Summary and Recommendations**

The Environmental Protection Commission recommends funding beyond the base budget request due to overhead increases, with the goal being to maintain the staff required to fulfill the commitments of the work plan agreement between EPA Region 7 and the Department of Natural Resources. Financial resources are necessary to maintain responsible and reliable

environmental programs to protect and enhance lives of all Iowa citizens. The public is loud and clear on the priority of clean water in our state, it is also clear that this goal requires ongoing support and collaborative effort. The IDNR can only hold up their end of the effort if they are funded to do so.

The Commission recommends legislative review to increase the legal limits on fines the department can levy upon polluters and repeat violators. These fines were established decades ago and need revision for current standards.

The Commission supports Iowa's Nutrient Reduction Strategy and encourages increased legislative support including IDALS additional \$7.5 million in cost-sharing programs along with the collaborative efforts of IDNR and Iowa State University. As you know, IDNR is responsible for the point-source side of regulation. Communities are being required to monitor and develop plans for nutrient reduction at a cost of \$15-40,000 just for the plan. Please support funding for these efforts as they present themselves.

The Commission thanks the Governor and the General Assembly for the opportunity to submit this report and invites further inquiry and conversation about these issues.

*Absent from meeting*

Mary Boote, Chair, Des Moines

*Nancy Couser*

Nancy Couser, Secretary, Nevada

*Cindy Greiman*

Cindy Greiman, Garner

*LaQuanda Hoskins*

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